

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----:
ALISHA W. WILKES, : Case No. 1:10-cv-01160
 : (CMH-TRJ)
Plaintiff, :
 :
vs. :
 :
EXPERIAN INFORMATION :
SOLUTIONS, INC., et al., : Volume I
 :
Defendants. : (Pages 1 - 141)
-----:

Fairfax, Virginia

Wednesday, May 11, 2011

Videotaped deposition of:

ALISHA WILKES

called for oral examination by counsel for Defendant,
pursuant to notice, at the law offices of John Bazaz,
4000 Legato Road, Suite 1100, Fairfax, Virginia, before
LaQuicia Thomas of Capital Reporting Company, a Notary
Public in and for the Commonwealth of Virginia,
beginning at 11:06 a.m., when were present on behalf of
the respective parties:

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2

1 On behalf of the Plaintiff:

2 JOHN C. BAZAZ, ESQUIRE
3 Law Offices of John C. Bazaz, PLC
4 4000 Legato Road, Suite 1100
Fairfax, Virginia 22033
(703) 272-8455

5 LEONARD ANTHONY BENNETT, ESQUIRE
6 Consumer Litigation Associates, P.C.
7 12515 Warwick Boulevard, Suite 100
Newport News, Virginia 23606
(757) 930-3660
(Appeared Telephonically)

8

9 On behalf of the Defendant,
10 GMAC Mortgage, LLC:

11 JOHN C. LYNCH, ESQUIRE
12 Troutman Sanders, LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
(757) 687-7765

13

14 On behalf of the Defendant,
America Funding, Inc.:

15

16 BRIAN NELSON CASEY, ESQUIRE
Taylor & Walker, P.C.
555 Main Street
17 P.O. Box 3490
Norfolk, Virginia 23514-3490
18 (757) 625-7300

19

Also present:

20

Dylan Browne, Video Technician

21

22

* * * * *

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		11
1	Q When is the last time you've ever	11:09:02
2	been on any other medications besides those?	11:09:04
3	A Regularly?	11:09:06
4	Q Yes.	11:09:07
5	A Asthma medication up through probably	11:09:08
6	this past February, regular asthma medication.	11:09:17
7	How far back do you want me to go?	11:09:24
8	Q Maybe three or four years --	11:09:27
9	A Okay.	11:09:28
10	Q -- would be fine.	11:09:29
11	A I was taking anxiety medication	11:09:31
12	regularly from about October of 2008 through	11:09:34
13	late 2009, and then intermittently the	11:09:40
14	beginning of 2010. I still take it	11:09:48
15	occasionally. I was also taking sleep	11:09:52
16	medication for the same period of time. I	11:09:58
17	don't take that intermittently anymore,	11:10:02
18	though.	11:10:06
19	Q Okay. During the October 2008, late	11:10:06
20	2009 time frame, you were regularly taking	11:10:09
21	anxiety medication?	11:10:13
22	A Yes.	11:10:14

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		12
1	Q And you were regularly taking	11:10:14
2	sleep-aid medication?	11:10:18
3	A Yes.	11:10:19
4	Q And then after 2009, is it fair to	11:10:19
5	say during 2010, you took both those	11:10:23
6	medications intermittently?	11:10:31
7	A Yes.	11:10:31
8	Q And then starting in the end of 2010,	11:10:31
9	you haven't been taking those medications?	11:10:32
10	A I haven't -- I've taken it maybe just	11:10:35
11	a little bit every now and then. Not the	11:10:38
12	sleep medication, but the anxiety medication	11:10:41
13	every now and then.	11:10:44
14	Q And tell me what type of anxiety	11:10:46
15	medication you were taking.	11:10:49
16	A Xanax was the one I was taking.	11:10:50
17	Q Any others?	11:10:54
18	A I took Ativan briefly.	11:10:55
19	Q And how about the sleep-aid	11:11:00
20	medication?	11:11:02
21	A Ambien.	11:11:02
22	Q How about prior to October 2008? Had	11:11:05

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	13
1 you taken any of these anxiety medications	11:11:16
2 before?	11:11:20
3 A Intermittently, I had taken -- I had	11:11:20
4 a prescription for Xanax at one point, I	11:11:25
5 believe, but I took it just intermittently.	11:11:29
6 Q When was the first time you can	11:11:31
7 recall ever taking an anxiety medication?	11:11:34
8 A Probably, maybe mid 2007, somewhere	11:11:36
9 in that time frame.	11:11:39
10 Q And how about the sleep-aid	11:11:40
11 medication? When was the first time you think	11:11:43
12 you --	11:11:46
13 A It would have been probably around	11:11:47
14 that same time frame.	11:11:48
15 Q And it's my understanding, in 2007	11:11:50
16 through 2010, you were going through a	11:11:56
17 divorce?	11:11:59
18 A The end of 2008 --	11:11:59
19 Q Okay.	11:12:03
20 A -- until early 2010.	11:12:04
21 Q Your divorce became final in early	11:12:07
22 2010?	11:12:16

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	27
1 hometown, but I moved back in January 2009.	11:24:53
2 Q Okay. So you got separated in	11:24:59
3 October 2008, and moved home in January 2009?	11:25:02
4 A Yes.	11:25:07
5 Q Is it fair to say by January 2009,	11:25:07
6 you were pretty confident the marriage needed	11:25:11
7 to end?	11:25:14
8 A Yes.	11:25:15
9 Q Okay. Tell me about the receiving	11:25:15
10 the calls from the creditors. Who were these	11:25:21
11 creditors?	11:25:23
12 A I believe the first one was SunTrust.	11:25:23
13 Q What was that about?	11:25:28
14 A It was about a line of credit that	11:25:30
15 was taken out against our home.	11:25:35
16 Q Did you ever speak with anybody at	11:25:36
17 SunTrust?	11:25:40
18 A I did. One phone call.	11:25:41
19 Q What did they say to you?	11:25:43
20 A They said they wanted to speak to	11:25:45
21 Daniel Wilkes about his line of credit against	11:25:48
22 our home -- his home -- his home equity line	11:25:52

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	28
1 of credit.	11:25:56
2 Q Did you eventually find out that	11:25:57
3 there was a home equity line of credit on the	11:25:59
4 home?	11:26:02
5 A Yes.	11:26:02
6 Q And how much was it for?	11:26:02
7 A That one I don't know. There was	11:26:04
8 more than one. I don't know how much that one	11:26:04
9 was for. I don't remember now.	11:26:06
10 Q Okay. What other lines of credit	11:26:06
11 besides this SunTrust one?	11:26:07
12 A If I -- there were, I believe, three	11:26:09
13 lines of credit.	11:26:17
14 Q Do you remember the names of the	11:26:18
15 other companies?	11:26:23
16 A Two of them were SunTrust. The other	11:26:25
17 one I don't remember who it belonged to.	11:26:27
18 Q Did you have any idea about how much	11:26:29
19 was owed on any of these lines of credit?	11:26:32
20 A I don't remember now.	11:26:36
21 Q Okay. Who else besides SunTrust was	11:26:37
22 calling you at the house?	11:26:42

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		29
1	A SunTrust was the first one. The	11:26:44
2	second one I talked to was someone from Bank	11:26:46
3	of America.	11:26:50
4	Q And what did you learn from Bank of	11:26:50
5	America?	11:26:54
6	A That there was a credit card that had	11:26:54
7	a very high balance that was not being paid.	11:26:56
8	Q Approximately, how much was that	11:27:00
9	balance?	11:27:02
10	A I don't recall now. In the tens of	11:27:03
11	thousands of dollars.	11:27:10
12	Q Like 10 or 20,000 or more?	11:27:12
13	A More, more.	11:27:18
14	Q Okay. So far, we have SunTrust, the	11:27:19
15	line of credit; Bank of America, the credit	11:27:23
16	card. Any other calls from creditors that you	11:27:25
17	recall?	11:27:27
18	A Those were the only two I spoke with.	11:27:28
19	Q Okay. Did you have any	11:27:30
20	understanding, after talking to SunTrust or	11:27:31
21	Bank of America, about whether you were on	11:27:33
22	these obligations personally or not?	11:27:36

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		30
1	A My understanding, based on what Bank	11:27:38
2	of America was telling me, was that I was	11:27:42
3	obligated also.	11:27:45
4	Q Have you come to learn from any	11:27:46
5	source about whether you actually are	11:27:48
6	personally obligated on the SunTrust or the	11:27:52
7	Bank of America obligations?	11:27:55
8	A The SunTrust, I am not. The Bank of	11:27:59
9	America, I'm still not sure.	11:28:00
10	Q Okay. Any other obligations that	11:28:03
11	your husband incurred that you have learned	11:28:07
12	that you're personally obligated on, or may be	11:28:12
13	personally obligated?	11:28:16
14	A There were two more credit cards that	11:28:17
15	I may be obligated on.	11:28:21
16	Q Okay. And what companies are they	11:28:24
17	with?	11:28:25
18	A They were both with American Express.	11:28:25
19	Q And what were the balances on those,	11:28:27
20	approximately?	11:28:29
21	A One was in excess of \$100,000. And	11:28:30
22	the other was a lesser amount, in the	11:28:37

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	31
1 neighborhood of \$15,000, but I'm not certain	11:28:40
2 exactly anymore.	11:28:44
3 Q When did you learn about those	11:28:45
4 American Express accounts?	11:28:47
5 A In October 2008.	11:28:49
6 Q So it's fair to say, generally, in	11:28:52
7 October 2008, you found out about all of these	11:28:55
8 obligations and --	11:28:59
9 A Correct.	11:28:59
10 Q -- it obviously proceeded from there	11:29:00
11 for you obviously wanting a separation?	11:29:03
12 A Correct. The one -- the one American	11:29:05
13 Express card I did know existed, I didn't -- I	11:29:06
14 was not aware of the extraordinary balance on	11:29:07
15 it.	11:29:09
16 Q Did your husband ever tell you about	11:29:10
17 how he incurred this debt?	11:29:12
18 A He had -- he did have some	11:29:14
19 explanations for how he incurred the debt.	11:29:18
20 Q What were they?	11:29:21
21 A Gambling in Las Vegas, mostly.	11:29:22
22 Q Did he ever acknowledge signing your	11:29:36

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		35
1	Q Did you have any understanding about	11:32:49
2	what the agreement was with your husband in	11:32:51
3	this agreement about your personal residence?	11:32:53
4	A That it would be titled into my name,	11:32:59
5	that I would become the sole owner of the	11:33:02
6	house.	11:33:05
7	Q Okay. At this time, in November of	11:33:06
8	2008, did you have any knowledge of GMAC being	11:33:16
9	involved in your life?	11:33:21
10	A Yes.	11:33:23
11	Q Okay. Tell me how that first came	11:33:23
12	about and how you first learned that GMAC was	11:33:26
13	involved in your life.	11:33:31
14	A I pulled my credit report --	11:33:32
15	Q Okay.	11:33:32
16	A -- on October 14, 2008, and I saw	11:33:34
17	that there was a mortgage on it, GMAC's	11:33:38
18	mortgage, in my name.	11:33:41
19	Q And did you have any understanding	11:33:42
20	about when that mortgage was entered into?	11:33:48
21	A No. At that point, I didn't know	11:33:51
22	anything about it.	11:33:53

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		36
1	Q Okay. And how about at any	11:33:54
2	subsequent point; did you learn when your	11:33:55
3	husband forged your name and when that was	11:33:58
4	supposedly entered into?	11:34:01
5	A I believe it was in April of 2008.	11:34:07
6	Q Okay. And do you know how much that	11:34:10
7	mortgage was for?	11:34:12
8	A I believe it was \$380,000.	11:34:12
9	Q Okay. And did you understand that	11:34:16
10	that was -- I know you didn't know anything	11:34:26
11	about it in April of 2008, but subsequent to	11:34:28
12	that, did you learn that that was a refinance	11:34:31
13	of your prior mortgage?	11:34:34
14	A No. I don't remember learning that.	11:34:37
15	Q Was the GMAC mortgage a second	11:34:39
16	mortgage, or was that a first mortgage?	11:34:43
17	A The -- I don't know. It wasn't --	11:34:47
18	there was -- there was another mortgage that	11:34:54
19	had been taken out on the house before the	11:34:57
20	GMAC mortgage. So it would have, technically,	11:34:59
21	been a -- I guess, a third mortgage.	11:35:02
22	Q Did you have any understanding about	11:35:06

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1 whether the GMAC mortgage paid off any of the	11:35:08
2 other -- or the earlier mortgages?	11:35:11
3 A No. I don't believe it did.	11:35:14
4 Q Okay. Let me ask you this: You	11:35:16
5 didn't recall the bank that you got the	11:35:19
6 original mortgage from in January of 2005,	11:35:22
7 correct?	11:35:26
8 A Right.	11:35:27
9 Q Do you remember or were you -- did	11:35:27
10 you have any knowledge of any subsequent	11:35:29
11 refinancing that occurred on your house?	11:35:32
12 A I don't believe there was any	11:35:34
13 refinancing on the house.	11:35:38
14 Q Were -- did you have any knowledge,	11:35:39
15 anytime between 2005 and October 2008, of any	11:35:40
16 new loans being taken out on your house?	11:35:46
17 A Did I know in between that --	11:35:48
18 Q Yes.	11:35:48
19 A -- time period that any were being	11:35:50
20 taken out? No.	11:35:51
21 Q Okay. So your knowledge was, before	11:35:53
22 this all came to a head in October and	11:35:55

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			42
1	A	Yes.	11:39:43
2	Q	And when was that house sold?	11:39:43
3	A	July 2010.	11:39:45
4	Q	And how much did you sell the house	11:39:50
5		for?	11:39:58
6	A	I believe I sold it for somewhere	11:39:58
7		around \$375,000, I believe.	11:40:03
8	Q	How much of that money did you get --	11:40:07
9	A	I think --	11:40:07
10	Q	-- after the closing occurred?	11:40:13
11	A	I think a little over 150,000 is what	11:40:15
12		I was able to keep.	11:40:23
13	Q	Well, let me make sure I understand	11:40:25
14		you. Is that after paying the 190,000 for the	11:40:28
15		attorneys' fees?	11:40:35
16	A	Correct.	11:40:36
17	Q	Okay. So out of the proceeds from	11:40:36
18		the sale of the house in Gainesville, you were	11:40:38
19		able to pay your attorneys and you received	11:40:41
20		\$150,000?	11:40:44
21	A	Right. Yes.	11:40:45
22	Q	My rough math is that -- comes up to	11:40:46

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	53
1 that you retained Mr. Weible to conduct?	11:51:08
2 A Initially, just for advice on what	11:51:11
3 course of action to take to clear up the	11:51:15
4 financial mess I found myself in.	11:51:18
5 Q Do you know, generally, when you	11:51:20
6 first consulted and hired him?	11:51:23
7 A October 14th or 15th would have been	11:51:25
8 when I first spoke with him. It was	11:51:28
9 immediately.	11:51:31
10 Q And how long did you retain	11:51:32
11 Mr. Weible?	11:51:42
12 A I believe only two to three weeks.	11:51:43
13 MR. LYNCH: I'd like to have this	11:52:34
14 marked as Exhibit 2.	11:52:35
15 (Wilkes Exhibit No. 2 was marked for	11:52:35
16 identification.)	11:52:52
17 MR. LYNCH: (Tenders document.)	11:52:52
18 MR. BAZAZ: Thank you. Do you have	11:52:54
19 one for Brian?	11:52:56
20 MR. LYNCH: Yeah, I do.	11:52:57
21 (Tenders document.)	11:53:00
22 MR. CASEY: I got it.	11:53:00

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	54
1 BY MR. LYNCH:	11:53:02
2 Q Ms. Wilkes, I put a document in front	11:53:03
3 of you, which has been marked as Exhibit 2.	11:53:05
4 A Uh-huh.	11:53:05
5 Q And if you could take as much time as	11:53:08
6 you need to review it, and then let me know	11:53:11
7 when you're ready to field some questions.	11:53:13
8 A Okay. Okay.	11:53:37
9 Q Do you recognize that letter?	11:53:38
10 A Yes.	11:53:40
11 Q What is it?	11:53:41
12 A It's the letter that Mr. Weible sent	11:53:42
13 to GMAC.	11:53:44
14 Q Did you have an understanding that	11:53:46
15 this letter had been sent?	11:53:48
16 A I knew that Mr. Weible was acting on	11:53:49
17 my behalf to try to clear up the financial	11:53:52
18 problems on my credit report. I don't know	11:53:57
19 that I was aware, specifically, that this	11:54:00
20 letter was sent.	11:54:03
21 Q Do you remember seeing a copy of this	11:54:05
22 letter either when it was sent or shortly	11:54:07

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		55
1	thereafter?	11:54:10
2	A I don't remember.	11:54:11
3	Q Do you remember receiving anything in	11:54:12
4	the mail from Mr. Weible during the time	11:54:15
5	period he represented you?	11:54:19
6	A I don't remember.	11:54:21
7	Q But it's fair to say you understood	11:54:27
8	that he was contacting GMAC on your behalf?	11:54:33
9	A Yes. That's fair to say.	11:54:33
10	Q Did you ever learn about how GMAC	11:54:35
11	responded to Mr. Weible's inquiry about the	11:54:51
12	loan?	11:54:56
13	A I don't recall.	11:54:59
14	Q Okay.	11:55:02
15	MR. LYNCH: Let's make this	11:55:03
16	Exhibit 3.	11:55:05
17	(Tenders document.)	11:55:05
18	MR. BAZAZ: Thank you.	11:55:05
19	(Wilkes Exhibit No. 3 was marked for	11:55:05
20	identification.)	11:55:26
21	BY MR. LYNCH:	11:55:26
22	Q And Ms. Wilkes, just like any of the	11:55:29

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1 GMAC's response to him?	11:56:59
2 A I don't recall having a discussion	11:57:01
3 with him about GMAC's response.	11:57:03
4 Q Okay.	11:57:06
5 MR. LYNCH: We will make this Exhibit	
6 4.	
7 (Tenders document.)	
8 MR. BAZAZ: Thank you.	
9 (Wilkes Exhibit No. 4 was marked for	
10 identification.)	11:58:37
11 BY MR. LYNCH:	11:58:37
12 Q Ms. Wilkes, are you ready to field	11:58:38
13 some questions?	11:58:40
14 A Yes.	11:58:41
15 Q Have you ever seen the document that	11:58:41
16 has been marked as Exhibit 4?	11:58:43
17 A The letter on the front, no, does not	11:58:46
18 look familiar to me. The forms I have seen	11:58:50
19 because I had to fill out a number of ID theft	11:58:54
20 affidavits. So I have seen forms like that.	11:58:58
21 Q Okay. Do you remember Mr. Weible	11:59:02
22 giving you forms from GMAC to be completed?	11:59:04

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		58
1	A I do not remember that.	11:59:08
2	Q Okay. And you understand, from this	11:59:10
3	cover letter, that GMAC was asking for an	11:59:15
4	affidavit to be completed by you and a copy of	11:59:20
5	the police report?	11:59:24
6	A I see where it's asking for the	11:59:25
7	affidavit. If you could maybe direct me to	11:59:31
8	see if it's --	11:59:37
9	Q Yeah. It's in the first -- I guess	11:59:37
10	it's the second large paragraph.	11:59:40
11	A Okay. Copy of the police report.	11:59:42
12	Okay. Yes. I see that now.	11:59:49
13	Q Do you remember at all during the	11:59:51
14	course of your representation by Mr. Weible	11:59:52
15	ever being asked to fill out an affidavit for	11:59:55
16	the identity theft?	12:00:00
17	A I don't recall.	12:00:02
18	Q Okay. And do you ever remember being	12:00:03
19	asked, while you were being represented by	12:00:08
20	Mr. Weible, to get a police report?	12:00:10
21	A I don't remember being asked to do	12:00:14
22	that.	12:00:16

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			59
1	Q	Okay.	12:00:16
2	A	I don't remember it happening.	12:00:17
3	Q	Okay. And I believe you testified	12:00:20
4		earlier you did not make a report to the	12:00:21
5		police until sometime in 2009?	12:00:25
6	A	2009 was when I talked with Detective	12:00:28
7		Downham, but there was another incident where	12:00:37
8		I talked with the Prince William County Police	12:00:39
9		about my identity being stolen.	12:00:42
10	Q	When was that?	12:00:44
11	A	That was also in 2009, but I don't	12:00:45
12		recall -- it would have been in the spring of	12:00:49
13		2009. I don't remember the month.	12:00:53
14	Q	Did you talk to the Fairfax --	12:00:54
15		Fairfax detective before you talked to someone	12:00:56
16		in Prince William County?	12:00:58
17	A	I believe Prince William County was	12:01:00
18		first and Fairfax was second.	12:01:03
19	Q	And your recollection is you talked	12:01:04
20		to someone in Prince William sometime in the	12:01:08
21		spring of 2009?	12:01:11
22	A	I believe.	12:01:12

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1 William County Police and told them that?	12:03:08
2 A Correct.	12:03:09
3 Q Did you -- was any type of report	12:03:10
4 filled out at that time?	12:03:18
5 A I believe so.	12:03:18
6 Q Was that something you just did over	12:03:18
7 the telephone?	12:03:18
8 A Correct.	12:03:18
9 Q Okay. And was that something you did	12:03:19
10 on your own accord, or was that done on the	12:03:22
11 advice of counsel?	12:03:26
12 A It was something I did on my own.	12:03:27
13 Q Okay. To be as straightforward as	12:03:31
14 possible, what I want to ask you is, do you	12:03:35
15 have any understanding why the affidavit that	12:03:38
16 GMAC was requesting in that letter and the	12:03:42
17 police report were not sent back to GMAC in	12:03:45
18 2008?	12:03:49
19 A I don't know.	12:03:50
20 Q What -- I mean, can you give me any	12:03:51
21 further explanation for that? Was it	12:03:56
22 something you had in your possession that you	12:03:58

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1	didn't do, or you just didn't know about it?	12:04:00
2	A I don't recall knowing about it. I	12:04:03
3	believe if I had been advised to do it that I	12:04:08
4	would have done it, but I don't know. I don't	12:04:10
5	recall having it.	12:04:12
6	Q And you would agree with me, going	12:04:14
7	back to that time period, there would not have	12:04:16
8	been -- you wouldn't have had any objection to	12:04:18
9	filling out an affidavit and sending it to	12:04:21
10	GMAC in October or November of 2008?	12:04:24
11	A I don't know. I would have probably	12:04:29
12	consulted with my attorney and just done	12:04:31
13	whatever was advised.	12:04:34
14	Q Do you recall any decision ever being	12:04:37
15	made by you, in October or November of 2008,	12:04:40
16	not to send an affidavit or a police report to	12:04:43
17	GMAC?	12:04:51
18	A I don't recall.	12:04:53
19	Q And you don't remember the discussion	12:04:54
20	coming up, or it being in your mind that I'm	12:04:57
21	not going to respond to GMAC on this request?	12:05:00
22	A I don't recall having any discussion	12:05:03

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1 behalf.	12:15:29
2 Q Okay. Is there anything in this	12:15:29
3 letter that you disagree with him saying to	12:15:31
4 GMAC?	12:15:34
5 A I don't know. It's a lot of	12:15:35
6 language. I don't know. I don't see anything	12:15:39
7 that I would disagree with, but there is a lot	12:16:33
8 of legalese in it that if it were explained to	12:16:37
9 me word for word, I may or may not agree with.	12:16:42
10 I don't know. But this -- it looks okay. It	12:16:46
11 looks okay.	12:16:49
12 Q Why did you not continue to retain	12:16:49
13 Mr. Weible?	12:16:52
14 A I decided to go ahead and file for	12:16:54
15 divorce. And at that point, that was when I	12:16:58
16 met Mr. Bazaz, and I decided to just do the	12:17:01
17 divorce and the state action all through	12:17:04
18 Mr. Bazaz rather than having two separate	12:17:07
19 attorneys and taking two separate courses of	12:17:10
20 action.	12:17:14
21 Q Was there any gap of time between the	12:17:14
22 representation that you had from Mr. Weible to	12:17:23

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1 situation.	13:09:34
2 Q And you understand that this case	13:09:35
3 where you sued GMAC, in part, pertains to some	13:09:42
4 credit reporting that was done in March of	13:09:48
5 2010?	13:09:51
6 A Yes.	13:09:53
7 Q You would agree with me, back in	13:09:54
8 October and November of 2008, that you knew	13:09:57
9 about the incorrect credit reporting done by	13:10:02
10 GMAC?	13:10:04
11 A I did, but there had not yet been the	13:10:09
12 lawsuit --	13:10:12
13 Q I understand.	13:10:13
14 A -- that required GMAC to remove the	13:10:14
15 lien from the house --	13:10:19
16 Q Okay.	13:10:19
17 A -- at that point.	13:10:20
18 Q I understand. My question is,	13:10:21
19 though, back in October and November of 2008,	13:10:24
20 your position was that there were incorrect	13:10:27
21 entries on your credit report by GMAC; isn't	13:10:31
22 that true?	13:10:35

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		122
1	Q Did you give this Experian letter to	13:13:28
2	your attorney?	13:13:31
3	A I don't know. If Experian sent me	13:13:34
4	the letter, then I would have probably	13:13:39
5	forwarded it to my attorney.	13:13:41
6	Q Okay. The state court litigation	13:13:43
7	that we've, you know, talked about today	13:14:00
8	somewhat, was your understanding of that that	13:14:03
9	you were attempting to get the deed of trust	13:14:06
10	and promissory note and validate it?	13:14:10
11	A Yes. The lien's removed from my	13:14:14
12	house.	13:14:19
13	Q Okay. And going into that also,	13:14:19
14	which we can tell from the documents we've	13:14:21
15	gone through today, you knew that the GMAC was	13:14:23
16	reporting on your credit report in 2008?	13:14:29
17	A Yes, I did.	13:14:34
18	Q Okay. Do you have any understanding	13:14:35
19	about why this credit reporting issue was not	13:14:37
20	raised in the state court litigation and you	13:14:40
21	didn't ask for that relief?	13:14:43
22	A I was very focused on what I saw to	13:14:45

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1 pursuant to at least two credit reports that	13:18:35
2 we've -- you've reviewed today?	13:18:37
3 A Pursuant to?	13:18:39
4 Q The two credit reports that you	13:18:40
5 obtained in October and --	13:18:42
6 A No --	13:18:42
7 Q -- November.	13:18:44
8 A -- I'm asking can you rephrase the	13:18:44
9 way you're saying it.	13:18:46
10 Q Oh. The first time -- the first	13:18:48
11 notice you ever received about the GMAC lien	13:18:49
12 was by a credit report?	13:18:53
13 A That's correct.	13:18:55
14 Q Okay. So you knew then that GMAC was	13:18:55
15 reporting on your credit?	13:18:59
16 A Correct.	13:19:00
17 Q And due to learning of that issue,	13:19:01
18 you went to attorneys to get assistance with	13:19:04
19 that?	13:19:07
20 A Correct.	13:19:07
21 Q And you wanted that off your credit	13:19:08
22 report in 2008; isn't that true?	13:19:10

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		128
1	A I was much more concerned with the	13:19:14
2	actual debt and the lien against my house in	13:19:16
3	2008.	13:19:19
4	Q Okay. But you were also concerned	13:19:21
5	that it was on your credit report, weren't	13:19:24
6	you?	13:19:27
7	A I don't -- it's -- to me, it's all --	13:19:27
8	it was all one giant problem. If I clear	13:19:33
9	up -- in my mind, if I cleared up the lien	13:19:36
10	against the house, that took care of the	13:19:39
11	credit report. I didn't see that as being a	13:19:42
12	primary issue. I saw the lien as the issue.	13:19:45
13	And I thought if I took care of getting the	13:19:48
14	lien off of the house, the credit report would	13:19:50
15	no longer be an issue.	13:19:53
16	Q If you can go back to the letter from	13:19:57
17	Mr. Weible. I'm not sure which exhibit that	13:20:10
18	was.	13:20:13
19	MR. BAZAZ: Exhibit 2.	13:20:19
20	MR. LYNCH: Exhibit 2.	13:20:21
21	A (Complies with request.)	13:20:33
22	BY MR. LYNCH:	13:20:33

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		148
1	A	It's an ID theft affidavit. 13:38:46
2	Q	And what is it dated? 13:38:51
3	A	May 31, 2009. 13:38:53
4	Q	Do you know where you got this form 13:39:07
5		affidavit from? 13:39:10
6	A	I don't remember. 13:39:10
7	Q	Do you know where you completed it? 13:39:11
8		Were you at home, were you at a law firm, or 13:39:20
9		do you know? 13:39:23
10	A	I don't believe I was at a law firm, 13:39:24
11		but I may have been home or in my office. 13:39:27
12	Q	Do you know what the purpose was of 13:39:31
13		completing this affidavit? 13:39:33
14	A	It has the GMAC mortgage listed on 13:39:35
15		it. So it appears that it was to let GMAC 13:39:44
16		know about the identity theft. 13:39:48
17	Q	And just so we're clear, what page 13:39:51
18		are you looking at to see the reference of 13:39:54
19		GMAC? 13:39:56
20	A	I'm looking at 400026 at the bottom, 13:39:57
21		or page 5 of the affidavit. 13:40:02
22	Q	And that -- GMAC is listed in your 13:40:05

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1 handwriting?	13:40:08
2 A Yes.	13:40:09
3 Q Who requested that you fill out this	13:40:09
4 affidavit?	13:40:12
5 MR. BAZAZ: Objection to the extent	13:40:12
6 it seeks to violate the attorney/client	13:40:14
7 privilege.	13:40:22
8 THE WITNESS: Do I answer it?	13:40:22
9 MR. BAZAZ: Well, I instruct you not	13:40:23
10 to answer it if it was one of your attorneys	13:40:26
11 that told you to fill it out. If it was	13:40:28
12 somebody else, you can answer.	13:40:30
13 BY MR. LYNCH:	13:40:31
14 Q Yeah. Was it anybody else, other	13:40:31
15 than your attorneys, that instructed you to	13:40:33
16 complete this affidavit?	13:40:35
17 A Not that I recall. I don't recall.	13:40:37
18 Q Okay. And I'm just going to give you	13:40:40
19 an example. Did anyone at the police	13:40:43
20 department give you this affidavit to be	13:40:46
21 completed?	13:40:48
22 A I don't believe so.	13:40:49

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	150
1 Q Okay. So you don't know of anyone,	13:40:50
2 other than attorneys, that may have asked you	13:40:52
3 to complete this?	13:40:54
4 A I don't -- I just -- I don't remember	13:40:56
5 exactly.	13:40:57
6 Q Do you know if this -- or after you	13:40:58
7 completed this affidavit, where the affidavit	13:41:04
8 was sent?	13:41:05
9 A I do not know where it was sent. I	13:41:06
10 don't know where it was sent.	13:41:16
11 Q Do you have any knowledge about	13:41:18
12 whether it was sent to GMAC or not?	13:41:20
13 A I don't know.	13:41:24
14 Q After you completed the affidavit,	13:41:25
15 who did you give it to?	13:41:29
16 A I don't remember.	13:41:31
17 MR. LYNCH: We'll make this	13:42:34
18 Exhibit 9.	13:42:36
19 (Wilkes Exhibit No. 9 was marked for	13:42:38
20 identification.)	13:42:39
21 BY MR. LYNCH:	13:42:39
22 Q Ms. Wilkes, that is a copy of the	13:42:39

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1 complaint in this case. If you can go to	13:42:42
2 paragraph 24 of the complaint and read that	13:43:17
3 paragraph, and let me know when you're ready	13:43:28
4 to field some questions.	13:43:31
5 A Okay. Okay.	13:43:33
6 Q And do you see there where it says	13:43:42
7 there that on May 31, 2009, plaintiff sent an	13:43:45
8 ID theft affidavit to GMAC concerning the GMAC	13:43:52
9 account; plaintiff never received a direct	13:43:54
10 response from GMAC concerning the ID theft	13:43:57
11 affidavit?	13:43:58
12 A Yes.	13:43:58
13 Q Do you understand that to be a true	13:43:59
14 statement?	13:44:01
15 A To the best of my knowledge.	13:44:02
16 Q Do you know or were you the person	13:44:05
17 that sent this ID theft affidavit to GMAC?	13:44:08
18 A Did I, personally, send it to them?	13:44:12
19 Q Yes.	13:44:15
20 A I actually don't know.	13:44:16
21 Q Do you know who sent it?	13:44:18
22 A I don't -- it would have been me or	13:44:20

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	152
1 one of my attorneys.	13:44:22
2 Q If you can go to Exhibit 5 of the	13:44:24
3 complaint.	13:44:28
4 A (Complies with request.)	13:44:28
5 Q It appears to me Exhibit 5 of the	13:44:55
6 complaint is the same as the ID theft	13:44:58
7 affidavit that is the previous exhibit.	13:45:01
8 A Yes.	13:45:05
9 Q Okay. Have you ever seen any	13:45:06
10 documents showing how this ID theft was sent	13:45:08
11 to GMAC?	13:45:12
12 A I don't remember seeing any.	13:45:14
13 Q And sitting here today, you don't	13:45:16
14 know?	13:45:19
15 A I don't know what?	13:45:19
16 Q How it was sent or if there's any	13:45:21
17 documents that prove it was sent to GMAC.	13:45:24
18 A I don't know.	13:45:28
19 Q Okay.	13:45:28
20 MR. LYNCH: Exhibit 10?	13:46:24
21 MR. BAZAZ: I think that's correct.	13:46:25
22 BY MR. LYNCH:	13:46:31

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		153
1	Q Ms. Wilkes, just like the other	13:46:32
2	documents, take as much time as you need with	13:46:35
3	Exhibit 10, and let me know when you're ready	13:46:40
4	to field some questions.	13:46:43
5	A Okay.	13:47:47
6	Q Okay. Have you seen this letter	13:47:48
7	before?	13:47:50
8	A Yes.	13:47:50
9	Q And it's addressed from you to the	13:47:51
10	three credit reporting agencies?	13:47:55
11	A Yes.	13:47:58
12	Q And you were living in Keyser, West	13:47:59
13	Virginia at the time?	13:48:02
14	A Yes.	13:48:02
15	Q And the first statement says, My	13:48:03
16	attorney provided me this letter?	13:48:05
17	A Yes.	13:48:12
18	Q Do you see this?	13:48:12
19	A Yes.	13:48:12
20	Q Did your attorney draft the letter or	13:48:12
21	did you?	13:48:12
22	A My attorney drafted this letter.	13:48:12

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		154	
1	Q	And you signed the letter?	13:48:13
2	A	Yes.	13:48:16
3	Q	And you had it notarized?	13:48:18
4	A	Yes.	13:48:21
5	Q	With someone -- it appears to me that	13:48:22
6		someone in Keyser notarized it.	13:48:25
7	A	Yes.	13:48:27
8	Q	Do you know why this letter wasn't	13:48:27
9		sent to GMAC?	13:48:31
10	A	Because it was being sent to the	13:48:33
11		credit bureaus for the credit reporting	13:48:37
12		agencies.	13:48:40
13	Q	Okay. Do you know why it was being	13:48:40
14		sent to the credit reporting agencies and not	13:48:42
15		GMAC?	13:48:46
16	A	I don't.	13:48:47
17	Q	Is there anything in this letter,	13:48:48
18		other than your signature, that you personally	13:48:56
19		typed or worked on?	13:48:59
20	A	No. Only my signature.	13:49:05
21	Q	Prior to this letter being sent,	13:49:07
22		which is Exhibit 10, had you pulled your	13:49:45

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		157
1	A I'm not sure. I don't -- I may have	13:52:23
2	been at the time, but I don't remember now.	13:52:26
3	MR. LYNCH: We'll make this	13:52:32
4	Exhibit 11.	13:52:34
5	(Tender document.)	13:52:34
6	MR. BAZAZ: Thank you.	13:53:17
7	BY MR. LYNCH:	13:53:17
8	Q Do you remember signing Exhibit 11,	13:53:18
9	Ms. Wilkes?	13:53:22
10	A I don't remember doing it, but it is	13:53:23
11	my signature. So I did it.	13:53:26
12	Q Would you agree with me that your	13:53:28
13	attorney prepared this letter as well?	13:53:30
14	A Yes.	13:53:33
15	Q And you simply signed it?	13:53:33
16	A I read it and signed it.	13:53:35
17	Q Would you -- would it be fair to say	13:53:37
18	that the only thing that had your personal	13:53:39
19	involvement in this letter was your	13:53:41
20	signature -- signatures?	13:53:45
21	A As far as creating it, that's the	13:53:46
22	only thing that I put on it.	13:53:48

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		163
1	dated June 16, 2010?	13:59:50
2	A Yes.	13:59:52
3	Q And that's your signature?	13:59:53
4	A Yes.	13:59:54
5	Q And you would agree with me that this	13:59:55
6	was a letter that was like the other letters	13:59:57
7	drafted by your attorneys?	14:00:01
8	A Yes.	14:00:02
9	Q And this letter -- you didn't have	14:00:03
10	any input in this letter at all except to sign	14:00:05
11	your name and have it notarized?	14:00:08
12	A I would have read it and approved it.	14:00:11
13	Q Right. But you didn't write any of	14:00:15
14	the letter?	14:00:18
15	A No. I didn't write any of it.	14:00:18
16	Q Do you know why you sent a letter to	14:00:20
17	GMAC on June 16, 2010, but GMAC wasn't	14:00:24
18	included on the May or the March 2010 letters?	14:00:30
19	A Well, what I had done up to that	14:00:34
20	point hadn't been working. So it makes sense	14:00:44
21	to try something different.	14:00:48
22	Q Was this your decision to send a	14:00:49

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		169
1	2009.	14:20:14
2	Q And is it fair to say, in 2009 and	14:20:14
3	2010, you were regularly checking your credit	14:20:18
4	report?	14:20:22
5	A Yes. Pretty regularly.	14:20:22
6	Q Like how often can you recall?	14:20:25
7	A Oh, probably once every other month.	14:20:28
8	Q Okay. That's all I've got with that.	14:20:31
9	MR. LYNCH: Make this Exhibit 15.	14:20:36
10	BY MR. LYNCH:	14:21:47
11	Q Can you identify this document,	14:21:47
12	Ms. Wilkes?	14:21:50
13	A Yes. It's another credit report.	14:21:50
14	Q What's the date of it?	14:21:52
15	A September 13, 2010.	14:21:54
16	Q Would you agree with me that by this	14:21:56
17	time, the GMAC Mortgage account that was	14:22:09
18	incurred as a result of your husband's	14:22:17
19	identity theft had been deleted from your	14:22:22
20	credit report?	14:22:26
21	A No. It's not been deleted. It's	14:22:26
22	still on there.	14:22:29

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1 Q Tell me what page you're looking at. 14:22:30

2 A Page 2. Am I misunderstanding? 14:22:33

3 Q Do you know if that -- which GMAC 14:22:43

4 account that is, if that was your original 14:22:53

5 GMAC account or if it's the one that was -- 14:22:57

6 A Well, it says account [REDACTED] I'm not 14:22:59

7 sure which one that is. 14:23:03

8 Q Let's see. If you want to look back 14:23:09

9 at a previous credit report to compare the 14:23:41

10 account numbers, I think that will help you 14:23:47

11 answer the question. 14:23:51

12 A It looks like that might be the 14:24:14

13 original one, the first one. 14:24:16

14 Q That's our understanding. 14:24:17

15 A Okay, okay. It looks like it might 14:24:20

16 be the original one then. 14:24:22

17 Q I just wanted to ask you if you had 14:24:22

18 any understanding that the GMAC account that 14:24:25

19 had been fraudulently opened by your husband, 14:24:28

20 that by September of 2010, if not earlier, 14:24:32

21 that had been deleted from your credit report? 14:24:33

22 A Yes. It appears it was deleted by 14:24:36

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	171
1 then.	14:24:39
2 Q And you and I can agree that based	14:24:40
3 on -- looking at -- at September 2010 credit	14:24:43
4 report, that your initial mortgage with GMAC	14:24:46
5 that was entered into in 2005 is still on your	14:24:51
6 credit report showing a zero balance?	14:24:52
7 A Correct.	14:24:54
8 Q Okay. Did you have that	14:24:55
9 understanding back in September of 2010?	14:24:56
10 A I believe I did know by then.	14:24:59
11 Q That you knew the fraudulent GMAC	14:25:02
12 account had been deleted?	14:25:06
13 A It had been -- it -- I knew it had	14:25:09
14 been deleted at that pull. Each time I would	14:25:11
15 pull the credit report, yes, I knew it had	14:25:16
16 been deleted at each specific pull of the	14:25:20
17 credit report.	14:25:25
18 Q So after you received this particular	14:25:25
19 report in September 2010, you knew that GMAC	14:25:28
20 was no longer reporting the second account?	14:25:32
21 A I don't remember specifically looking	14:25:34
22 at it, but if I would have pulled this and	14:25:37

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		172
1	looked at it, then, yes, I would have had that	14:25:42
2	understanding that GMAC was not reporting in	14:25:43
3	September of 2009.	14:25:47
4	Q '10.	14:25:48
5	A '10. I'm sorry.	14:25:48
6	Q Okay.	14:25:48
7	A September of 2010. Yes.	14:25:49
8	Q So you would agree with me that the	14:25:49
9	time period that we're dealing with, in this	14:25:51
10	case, is after you had the state court trial,	14:25:53
11	GMAC continued to report the	14:25:56
12	fraudulently-opened account from March to	14:25:59
13	either August or September of 2010?	14:26:01
14	A Yes.	14:26:04
15	Q And it's fair to say that --	14:26:06
16	what's -- well, let me ask you, what's the	14:26:15
17	date of that credit report in September of	14:26:18
18	2010?	14:26:22
19	A September 13 --	14:26:22
20	Q Okay.	14:26:22
21	A -- 2010.	14:26:24
22	Q It's fair to say you don't know the	14:26:24

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	173
1 specific date prior to September 13, 2010,	14:26:27
2 when GMAC deleted that account from your	14:26:30
3 credit report?	14:26:33
4 A I don't.	14:26:34
5 Q So in generalities, we're talking	14:26:35
6 about a six-month period following the trial	14:26:53
7 where you're contending GMAC continued to	14:26:57
8 report the fraudulently-opened account on your	14:27:01
9 credit report?	14:27:06
10 A March, April, May, June, July,	14:27:06
11 August, September. So about seven months.	14:27:07
12 Q But it could be six, based on the	14:27:08
13 fact you don't know exactly when it was	14:27:10
14 deleted?	14:27:13
15 A Yes. I don't know if there is a	14:27:14
16 credit report close to September or not that I	14:27:16
17 could look at, but by September, it was gone,	14:27:18
18 according to this.	14:27:22
19 Q From the -- March 2010 through	14:27:24
20 September 2010, would you agree with me that	14:27:30
21 you were not under the care of any healthcare	14:27:36
22 providers on a regular basis?	14:27:41

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		174
1	A	I did have a regular doctor. 14:27:44
2	Q	It was like your family practice 14:27:46
3	doctor?	14:27:49
4	A	Yes. 14:27:49
5	Q	In Keyser? 14:27:50
6	A	Yes. 14:27:51
7	Q	What was he treating you for during 14:27:51
8	those six or seven months, if anything?	14:27:55
9	A	I would have -- I don't know. I have 14:27:57
10	ongoing issues with asthma. I don't know that	14:28:12
11	I would have been treated specifically for	14:28:17
12	stress.	14:28:21
13	MR. BAZAZ: Let me -- let me	14:28:21
14	interject. I apologize for interrupting, but	14:28:22
15	we have an agreement that, in discovery, we	14:28:26
16	were just going to go into issues of emotional	14:28:29
17	distress and things that would affect her	14:28:31
18	well-being.	14:28:34
19	For this purpose of the deposition,	14:28:35
20	I'm assuming that she's not going to have to	14:28:37
21	go into a bunch of sprained ankles and so on	14:28:39
22	and so forth?	14:28:45

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		175
1	MR. LYNCH: Yeah. I mean, if there's	14:28:47
2	something that is confidential that you're not	14:28:48
3	claiming is an issue in this case like a	14:28:50
4	sprained ankle, I mean, sure.	14:28:54
5	MR. BAZAZ: Okay. I just --	14:28:58
6	MR. LYNCH: If it's a sensitive spot,	14:28:58
7	we can talk quickly off the record. I'm not	14:28:58
8	trying to --	14:28:58
9	MR. BAZAZ: No. I just -- the	14:28:59
10	question was open-ended, and I know my client	14:28:59
11	is going to give you the best, honest answer	14:29:01
12	she can. And I was -- I was thinking that she	14:29:01
13	might go into times that she sprained a knee	14:29:06
14	and ankle, so on and so forth, and we'd be	14:29:06
15	here for two hours.	14:29:09
16	BY MR. LYNCH:	14:29:11
17	Q Yeah. Once you get into your knee,	14:29:11
18	I'm going to quit asking the questions.	14:29:13
19	A Okay.	14:29:13
20	Q Okay?	14:29:15
21	A All right. Other than routine, you	14:29:15
22	know, sinus -- sinus infection, that sort of	14:29:18

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	176
1 thing, I don't know that I was treated for	14:29:20
2 anything specific by that point.	14:29:22
3 Q Would you agree with me --	14:29:26
4 A I was --	14:29:29
5 Q Okay. All right. Go.	14:29:29
6 A I do believe I was still taking	14:29:31
7 anxiety medication intermittently, but I don't	14:29:37
8 know that I needed any new prescriptions in	14:29:38
9 that time frame. So I don't know that I was	14:29:40
10 going to see her, but I would have possibly	14:29:44
11 still been using prescriptions she prescribed	14:29:47
12 before that point.	14:29:49
13 Q Would you agree with me that your	14:29:50
14 stress and anxiety were much worse in 2008 and	14:29:53
15 2009 than during this period in 2010?	14:29:56
16 A I don't know that worse would be the	14:30:00
17 right word. I was different by then.	14:30:04
18 Q You were in a better condition by	14:30:10
19 then; isn't that a fair statement?	14:30:12
20 A I was in a different condition. I	14:30:14
21 was in much -- I was in a different condition	14:30:18
22 by then. I still did feel a lot of stress and	14:30:19

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1 anxiety, but I developed coping mechanisms at	14:30:23
2 that point.	14:30:28
3 Q Well, by January 2010, your divorce	14:30:29
4 had become final; isn't that true?	14:30:33
5 A Yes.	14:30:35
6 Q And was that a stress reliever in	14:30:36
7 your life?	14:30:38
8 A The divorce -- you know, the point at	14:30:39
9 which Daniel and I separated, to me, that's	14:30:42
10 when we were finished. So the divorce itself	14:30:45
11 becoming final, you know, it was a good thing,	14:30:48
12 but it didn't -- it didn't leave a huge mark	14:30:52
13 one way or the other as far as I was	14:30:57
14 concerned.	14:30:59
15 Q And by the early part of 2010, you	14:30:59
16 were done with the state court trial with	14:31:04
17 GMAC; isn't that true?	14:31:08
18 A Yes. That ended in --	14:31:10
19 Q And wasn't that a stress reliever for	14:31:11
20 you that that trial was over?	14:31:14
21 A Briefly, briefly.	14:31:16
22 Q Was your stress worse from March 2010	14:31:17

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1 to September 2010 than it was in October and 14:31:21

2 November of 2008? 14:31:26

3 A It was -- it was a different kind -- 14:31:28

4 different kind of stress. I don't know how 14:31:31

5 else to describe it really. It was just a 14:31:33

6 different kind of stress. It wasn't the same 14:31:35

7 acute, you know, punched-in-the-gut sort of 14:31:39

8 anxiety of pulling that initial credit report, 14:31:43

9 but it was definitely a different kind of 14:31:46

10 stress, sense of -- just the total 14:31:50

11 helplessness, inability to -- to make things 14:31:56

12 right. 14:31:56

13 When things were not made right with 14:31:59

14 the state suit when I, you know -- when the 14:32:02

15 lien -- when the lien was to be removed, the 14:32:06

16 house was supposed to be mine again. I felt 14:32:09

17 better for a little while, and then I realized 14:32:15

18 things were still not right. I still -- I 14:32:18

19 still did not make things right. 14:32:21

20 Q You sold the house, though, right? 14:32:24

21 A I had to sell the house, yes. 14:32:26

22 Q And you sold the house and got all 14:32:27

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	181
1 earlier that you were under the regular, or	14:34:06
2 you were regularly taking anxiety medicine.	14:34:09
3 A Yes.	14:34:14
4 Q How often were you taking it?	14:34:15
5 A Usually once at night and then during	14:34:17
6 the day if I needed it.	14:34:20
7 Q For a year, year and a half, or	14:34:22
8 longer?	14:34:24
9 A Over a year. Yeah. I probably took	14:34:25
10 it daily for about a year. And then less	14:34:34
11 frequently. And then more frequently leading	14:34:38
12 up to the trial. And then a little less	14:34:44
13 frequently again.	14:34:48
14 Q From March 2010 through	14:34:49
15 September 2010, do you recall whether you	14:34:52
16 received any prescriptions for antianxiety	14:34:55
17 medicines?	14:35:05
18 A I don't -- I don't believe I received	14:35:05
19 any new prescriptions, but there may have	14:35:07
20 still been an older one that I was able to	14:35:09
21 keep getting filled. I'm not -- I'm not sure.	14:35:13
22 Q And if a doctor would have prescribed	14:35:15

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	182
1 you any anxiety medicine from March 2010	14:35:19
2 through September 2010, which doctor would	14:35:24
3 that have been?	14:35:25
4 A Dr. Price.	14:35:26
5 Q Okay. Any other doctors?	14:35:28
6 A No. I don't believe so.	14:35:29
7 Q If the -- and you described the	14:35:39
8 stress as being different. If that different	14:35:44
9 type of stress that you encountered between	14:35:47
10 March and September of 2010 was occurring, can	14:35:53
11 you tell me why the decision was made to wait	14:35:56
12 until June of 2010 to send a letter to GMAC?	14:35:59
13 A I don't know why.	14:36:05
14 Q Okay. Were you involved in the	14:36:06
15 decision in any way to send that letter in	14:36:13
16 June of 2010 to GMAC?	14:36:13
17 A I would have reviewed the letter.	14:36:16
18 Q And after September 2010, you're not	14:36:19
19 blaming anything that -- on GMAC that's	14:36:38
20 occurred after that time period?	14:36:41
21 A After September 2010?	14:36:44
22 Q Yeah.	14:36:48

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		195
1	exhibit. Number 20?	14:50:43
2	THE COURT REPORTER: 19 --	
3	MR. LYNCH: 19?	
4	THE COURT REPORTER: -- I believe.	
5	MR. BAZAZ: I think it's 20.	
6	THE COURT REPORTER: Oh, it is 20.	
7	MR. LYNCH: Okay.	
8	BY MR. LYNCH:	14:50:55
9	Q Ms. Wilkes, if you could look at	14:50:55
10	Exhibit 20, and let me know when you're ready	14:50:59
11	to field some questions.	14:51:03
12	A (Complies with request.)	14:51:04
13	Q Would you agree with me that	14:51:23
14	Exhibit 20 is your credit report from	14:51:26
15	TransUnion dated July 14, 2010?	14:51:30
16	A Yes, along with a letter.	14:51:34
17	Q And would you agree with me that the	14:51:37
18	GMAC account that was fraudulently opened by	14:51:45
19	your husband is not listed on this credit	14:51:51
20	report from July of 2010?	14:51:54
21	A Correct.	14:51:56
22	Q And you would agree with me your	14:51:58

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	196
1 original GMAC account from 2005 that was	14:52:00
2 opened properly with your husband is listed,	14:52:00
3 but it has a zero balance?	14:52:06
4 A Yes.	14:52:08
5 Q So you would agree with me that as of	14:52:09
6 July 14, 2010, with respect to TransUnion,	14:52:15
7 your credit report was correct as it pertains	14:52:19
8 to GMAC?	14:52:23
9 A On TransUnion, yes. In July, this --	14:52:25
10 this report is correct.	14:52:28
11 Q Okay. In 2008, did you know what	14:52:31
12 your credit score was?	14:52:38
13 A No. I don't know.	14:52:40
14 Q Do you know what your -- did you know	14:52:41
15 what your credit score was in 2009?	14:52:43
16 A 2009? No.	14:52:47
17 Q Do you know what your credit score	14:52:49
18 was in 2010?	14:52:52
19 A Yes. I don't know exactly, but it	14:52:53
20 was in the low sixes -- low 600, low 600.	14:52:59
21 Q Do you know, generally, what time	14:53:03
22 period in 2010 you checked your credit score?	14:53:05

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		202
1	we discussed, right?	14:57:56
2	A Correct. But that wasn't what you	14:57:57
3	asked me.	14:58:00
4	Q No, no. I understand.	14:58:01
5	You talked about attempt -- you	14:58:19
6	attempted to refinance your house.	14:58:21
7	A Yes.	14:58:24
8	Q Tell me when you first decided to do	14:58:25
9	that.	14:58:27
10	A I believe that was around March of	14:58:28
11	2010, somewhere around there.	14:58:37
12	Q Okay. And you were living in Keyser,	14:58:39
13	West Virginia?	14:58:42
14	A Yes.	14:58:42
15	Q And how often were you coming back to	14:58:43
16	Northern Virginia?	14:58:45
17	A Rarely.	14:58:47
18	Q You came back for the trial?	14:58:47
19	A Right.	14:58:50
20	Q And before the trial, when was the	14:58:51
21	last time you'd been back to Northern	14:58:52
22	Virginia?	14:58:55

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			205
1	Q	And you eventually sold it for 375?	15:00:32
2	A	Right.	15:00:36
3	Q	And when was that again?	15:00:36
4	A	When I sold it was July 2010.	15:00:37
5	Q	'10?	15:00:41
6	A	Yes.	15:00:42
7	Q	And you attempted to refinance it in	15:00:43
8		March of 2010?	15:00:46
9	A	I believe. February or March,	15:00:48
10		somewhere around there.	15:00:50
11	Q	Okay. And who did you attempt to	15:00:52
12		refinance it with?	15:00:54
13	A	Precision Funding, I believe, was one	15:00:55
14		of them, and I can't remember the name of the	15:01:05
15		other company.	15:01:06
16	Q	And was that after the state court	15:01:07
17		trial was over?	15:01:09
18	A	Yes.	15:01:10
19	Q	Do you know why you applied for	15:01:11
20		credit with Precision Funding?	15:01:17
21	A	I just used a search engine to find	15:01:26
22		lenders.	15:01:27

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		206
1	Q How did you get introduced to	15:01:27
2	Precision Funding?	15:01:30
3	A They contacted me.	15:01:31
4	Q After you made an inquiry on the	15:01:33
5	internet?	15:01:35
6	A Yes.	15:01:36
7	Q Okay. How much of a refinance were	15:01:37
8	you seeking from Precision Funding?	15:01:47
9	A I can't remember. I believe around	15:01:51
10	\$250,000, I believe.	15:01:57
11	Q I'm going to show you the next	15:01:59
12	document.	15:01:59
13	MR. LYNCH: We'll mark it as 21.	15:02:01
14	(Tenders document.)	15:02:01
15	MR. BAZAZ: Thank you.	15:02:01
16	BY MR. LYNCH:	15:02:01
17	Q It appears to me -- and tell me if	15:02:18
18	you agree or not, Ms. Wilkes -- that you were	15:02:19
19	seeking a loan in the amount of 220,000.	15:02:23
20	A Okay. Yes.	15:02:28
21	Q Does that sound accurate?	15:02:29
22	A Yes.	15:02:30

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		207
1	Q And you would agree with me that you	15:02:31
2	were denied for that loan?	15:02:33
3	A Yes.	15:02:35
4	Q And you would agree with me the	15:02:36
5	reason given was just based on information	15:02:37
6	received in your credit report?	15:02:42
7	A Yes.	15:02:43
8	Q And it's fair to say you don't know	15:02:44
9	specifically what was in your credit report	15:02:46
10	that caused the denial?	15:02:47
11	A Well, one of the boxes that's marked	15:02:49
12	is garnishment, attachment, and foreclosure.	15:02:54
13	So I would say that had a big impact.	15:02:57
14	Unacceptable payment record on a previous	15:03:02
15	mortgage is also checked.	15:03:05
16	Q Okay. Do you see under other?	15:03:06
17	A Do not grant credit to any applicant	15:03:16
18	on the terms and conditions you have	15:03:21
19	requested.	15:03:24
20	Q Do you know what that means?	15:03:24
21	A I don't.	15:03:28
22	Q And under garnishment, attachment,	15:03:29

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		213
1	A -- others.	15:08:07
2	Q And who are the others?	15:08:08
3	MR. BAZAZ: To the extent you're	15:08:09
4	asking her if her lawyers told her to --	15:08:11
5	MR. LYNCH: No, no, no. I'm not.	15:08:14
6	But what I am asking is --	15:08:15
7	MR. BAZAZ: Well, let me try it this	15:08:19
8	way. If you're asking if she consulted with	15:08:22
9	lawyers, she can answer that. If you're	15:08:26
10	asking what her lawyers told her or didn't	15:08:28
11	tell her, then I'm going to instruct her not	15:08:30
12	to answer.	15:08:33
13	BY MR. LYNCH:	15:08:42
14	Q I'm not going to ask you about the	15:08:49
15	substance of the communications, but is it	15:08:49
16	fair to say that you consulted with lawyers	15:08:49
17	about the issue of refinancing?	15:08:51
18	A I consulted. Yes. It's fair to say	15:08:53
19	that I did.	15:09:03
20	Q Okay. Had you applied for any jobs	15:09:04
21	in the Northern Virginia area?	15:09:07
22	A In what time period?	15:09:10

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		215
1	A Yeah. When I was in high school. I	15:10:20
2	met him when I was in high school.	15:10:22
3	Q Okay. And did you all date in high	15:10:22
4	school?	15:10:24
5	A No.	15:10:24
6	Q And when you came back to Keyser	15:10:24
7	after the separation from your husband,	15:10:26
8	when -- how -- when was the first time you saw	15:10:28
9	him?	15:10:30
10	A The first time I saw him?	15:10:30
11	Q Yeah.	15:10:32
12	A January 2010.	15:10:33
13	Q Okay. In Keyser or in --	15:10:41
14	A In Keyser, yes.	15:10:44
15	Q And he lives in Keyser now or in	15:10:47
16	Charleston?	15:10:51
17	A He lives in Charleston.	15:10:51
18	Q Okay. When did you start dating?	15:10:53
19	A Around March of 2010.	15:10:56
20	Q Okay. Keyser is about how far from	15:11:01
21	Charleston? Three hours, four?	15:11:07
22	A About four.	15:11:10

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		218
1	Q -- at all? Where did you want to	15:13:11
2	live?	15:13:13
3	A I don't know. I don't know. I don't	15:13:13
4	think I even thought about what I wanted.	15:13:20
5	Q Where do you want to live now?	15:13:24
6	A I think I want to live in Charleston	15:13:28
7	because that's where my fiance is.	15:13:31
8	Q Okay.	15:13:34
9	MR. BAZAZ: How is everybody doing?	15:13:35
10	Does anybody need a break?	15:13:37
11	You need a break?	15:13:37
12	THE WITNESS: I'm okay.	15:13:37
13	MR. BAZAZ: Okay.	15:13:39
14	BY MR. LYNCH:	15:13:44
15	Q Do you know how you came in contact	15:13:45
16	with Quicken Loans?	15:13:47
17	A They contacted me the same way	15:13:48
18	Precision did.	15:13:52
19	Q Do you know of anybody else you	15:13:54
20	attempted to refinance with other than Quicken	15:13:59
21	and Precision?	15:14:02
22	A I don't believe there was anyone	15:14:03

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	219
1 else.	15:14:05
2 MR. LYNCH: I'd ask -- this will be	15:14:07
3 the next exhibit, 20 --	15:14:07
4 MR. BAZAZ: 2.	15:14:07
5 MR. LYNCH: 22.	15:14:07
6 BY MR. LYNCH:	15:14:25
7 Q And how quickly, both with Quicken	15:14:25
8 and Precision, did you get these denial	15:14:29
9 letters after you applied for the loan? Was	15:14:30
10 it usually a week or two?	15:14:34
11 A I don't remember. I'm not sure how	15:14:36
12 quickly they came.	15:14:38
13 Q May 24, 2010, is Exhibit 22, the	15:14:42
14 letter from Quicken?	15:14:48
15 A Yes.	15:14:51
16 Q And it appears that the loan was not	15:14:51
17 approved?	15:14:59
18 A Correct.	15:15:00
19 Q And it appears the reasons were	15:15:01
20 credit history, current/previous slow	15:15:04
21 payments, judgments, liens, or bankruptcy?	15:15:07
22 A Yes.	15:15:13

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		223
1	A I can't remember at that point what	15:17:52
2	the situation was with the other credit cards.	15:17:55
3	I would have to look at the time line to see	15:17:59
4	when the other credit cards had been settled.	15:18:01
5	But there would have -- you know, there would	15:18:04
6	have been the issue of just needing income for	15:18:09
7	living expenses. But I don't believe I had	15:18:13
8	any other outstanding obligations.	15:18:18
9	Q Did you talk with Bryan Garcia during	15:18:21
10	this time period about getting introduced to a	15:18:24
11	mortgage broker to try to find a loan on your	15:18:28
12	house?	15:18:31
13	A No. I don't believe I ever talked to	15:18:31
14	Bryan about that.	15:18:32
15	Q Did you talk to any mortgage brokers	15:18:32
16	or any banks at all in Northern Virginia about	15:18:35
17	the issue?	15:18:37
18	A No. I don't think so.	15:18:39
19	Q Did you talk to any banks in West	15:18:39
20	Virginia about refinancing the house in	15:18:42
21	Northern Virginia?	15:18:44
22	A There was a person that I called who	15:18:45

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	224
1 was a friend of the family, and I can't even	15:18:49
2 remember what his name is now. But his advice	15:18:52
3 was just basically that he couldn't help me	15:18:58
4 because he was in West Virginia, but he was	15:19:00
5 the only person.	15:19:03
6 Q If you were really intent on	15:19:04
7 refinancing the house, can you tell me why you	15:19:08
8 didn't go to anyone else other than Quicken	15:19:12
9 Loans and Precision Funding?	15:19:15
10 A After being denied twice, I thought	15:19:17
11 it was a pretty clear message that it wasn't	15:19:22
12 going to happen.	15:19:24
13 Q And you didn't go to any traditional	15:19:26
14 large bank type of companies to seek	15:19:29
15 refinancing?	15:19:33
16 A No. I don't believe so.	15:19:33
17 Q You didn't consult Bank of America?	15:19:38
18 A No.	15:19:41
19 Q BB&T?	15:19:42
20 A No.	15:19:44
21 Q SunTrust?	15:19:44
22 A No.	15:19:45

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		244
1	Q Would you look in the -- on the first	15:48:07
2	page in the third paragraph that begins,	15:48:09
3	Whereas. Do you see that?	15:48:12
4	A Uh-huh.	15:48:12
5	Q It says, On -- Whereas, on	15:48:12
6	October 12, 2008, certain irreconcilable	15:48:14
7	differences arose between the parties, as a	15:48:17
8	result of which they separated and intended	15:48:21
9	to, thereafter, live separate and apart from	15:48:22
10	each other permanently.	15:48:26
11	Do you see that paragraph?	15:48:28
12	A Yes.	15:48:28
13	Q Was October 12, 2008, the date that	15:48:28
14	you all separated?	15:48:32
15	A Yes.	15:48:33
16	Q And did he move out of the home on	15:48:34
17	that day?	15:48:35
18	A He left on that day and didn't stay	15:48:36
19	there after that.	15:48:38
20	Q All right. What happened on that	15:48:41
21	particular date that caused him to leave?	15:48:43
22	A That was the day that I talked with	15:48:46

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	245
1 someone from, I believe, Bank of America about	15:48:50
2 that credit card. And based on what that	15:48:54
3 person told me, it was clear that it was his	15:48:57
4 debt. And when I confronted him about it, he	15:49:00
5 lied and continued to lie. And so I told him	15:49:03
6 to leave and to come back when he was ready to	15:49:07
7 tell me what was going on.	15:49:10
8 Q That all occurred on October 12th?	15:49:11
9 A Yes.	15:49:15
10 Q Okay. Anything else occur on that	15:49:16
11 date, other than that, that caused him to	15:49:17
12 leave?	15:49:20
13 A No. I don't think there was anything	15:49:21
14 else. I think that was the main event.	15:49:25
15 Q Okay. You also mentioned that at	15:49:27
16 some point, you suspected that he had been	15:49:29
17 unfaithful. When did you begin to suspect	15:49:33
18 that?	15:49:36
19 A That was -- it would have been	15:49:36
20 towards late October.	15:49:42
21 Q And what caused you to have those	15:49:43
22 suspicions?	15:49:45

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1	A	Correct.	16:16:27
2	Q	When did you first seek medical	16:16:28
3		attention as a result of emotional distress?	16:16:31
4	A	I believe late October of 2008 or	16:16:33
5		maybe early November of 2008.	16:16:39
6	Q	And who did you seek medical	16:16:41
7		attention from?	16:16:44
8	A	Dr. Hammonds.	16:16:44
9	Q	And what treatment did you receive?	16:16:46
10	A	Anxiety medication and sleep	16:16:48
11		medication.	16:16:50
12	Q	And how often -- how many times did	16:16:51
13		you see Dr. Hammonds for emotional distress?	16:16:53
14	A	I think I only went to her twice.	16:16:56
15	Q	When was the second time?	16:16:58
16	A	Probably January -- around	16:17:00
17		January 2009, because I was just using the	16:17:06
18		prescriptions she had given me in the initial	16:17:09
19		visit. So I didn't go back until they were	16:17:13
20		running out.	16:17:16
21	Q	Did you tell Dr. Hammonds about your	16:17:17
22		husband forging your signature on the loan	16:17:21

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1 documents for the GMAC loan?	16:17:25
2 A I don't believe I got into those kind	16:17:30
3 of details with her.	16:17:33
4 Q Did you tell her that your husband	16:17:34
5 had given your permission to America Funding	16:17:38
6 to access your credit report?	16:17:42
7 A I didn't talk with her about those	16:17:44
8 kinds of things.	16:17:47
9 Q Did you talk to her about your	16:17:49
10 derogatory reports on your credit report?	16:17:57
11 A I did not talk to her about that.	16:18:05
12 Q Did you talk to her about the liens	16:18:06
13 on your house from the GMAC mortgage?	16:18:17
14 A I may have mentioned that there were	16:18:22
15 financial problems. I don't -- but I'm sure I	16:18:25
16 didn't give her any details about the	16:18:28
17 situation.	16:18:32
18 Q Did you see Dr. Price for emotional	16:18:33
19 distress as well?	16:18:42
20 A Yes.	16:18:43
21 Q Did you tell Dr. Price any of that	16:18:44
22 information I just talked about?	16:18:46